

**CIVIL NO. 3:03CV231  
(3:00CR212)**

**PAULITO SALAZAR-ACUNA,**

**Petitioner,**

**Vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

## JUDGMENT

**IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED** that the  
Petitioner's conviction is hereby **AFFIRMED** and his sentence is hereby **VACATED**.

**IT IS FURTHER ORDERED** that the Petitioner may file a notice of appeal on or before ten days after the filing date of the Amended Judgment of Conviction in this action.

DOCUMENT  
SCANNED

**Signed: May 9, 2005**

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge



**Other Orders/Judgments****3:03-cv-00231 Salazar-Acuna v. United States CASE CLOSED on 07/30/2003****U.S. District Court****Western District of North Carolina****Notice of Electronic Filing**

The following transaction was received from Wallace, Betsy entered on 5/9/2005 at 4:30 PM EDT and filed on 5/9/2005

**Case Name:** Salazar-Acuna v. United States**Case Number:** 3:03-cv-231**Filer:****WARNING: CASE CLOSED on 07/30/2003****Document Number:** 20**Docket Text:**

JUDGMENT entered in accordance w/5/9/05 Order. Signed by Judge Lacy Thornburg on 5/9/05.  
(Wallace, Betsy)

The following document(s) are associated with this transaction:

**Document description:**Main Document**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1095689202 [Date=5/9/2005] [FileNumber=335935-0]

[4adce4a2608174c223a4e3f7264155f0e4afadc12ca6ada3014cdf20bc3dca8a78816  
016b2d6ee9d11c2979764de4d2de6369d4cdd4c5441fcfd31bf3ad2a53e]]**3:03-cv-231 Notice will be electronically mailed to:****3:03-cv-231 Notice will be delivered by other means to:**

Jack M. Knight  
U.S. Attorney's Office  
227 W. Trade St.  
1700 Carillon  
Charlotte, NC 28202

Paulito Salazar-Acuna  
Reg. No. 16402-058  
Rivers Correction Inst.  
Legal Mail  
P. O. Box 630  
Winton, NC 27986

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL NO. 3:03CV231  
(3:00CR212)**

**PAULITO SALAZAR-ACUNA,** )  
 )  
 **Petitioner,** )  
 )  
 **Vs.** )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on the Government's Response to the Order entered March 10, 2005. Since that time, the Petitioner has filed a reply and motion for summary judgment to which were attached two affidavits, a motion requesting a hearing and a motion for certain records.

The Petitioner's trial counsel has filed an affidavit as to the question of whether the Petitioner asked him to file a notice of appeal after the imposition of his sentence. Although counsel has averred as to his standard practice on this issue, he did not have a specific recollection about the issue in this instance. As a result, the Court finds it necessary to vacate the Petitioner's sentence and reimpose the same in order to provide him with an opportunity to file a direct appeal.

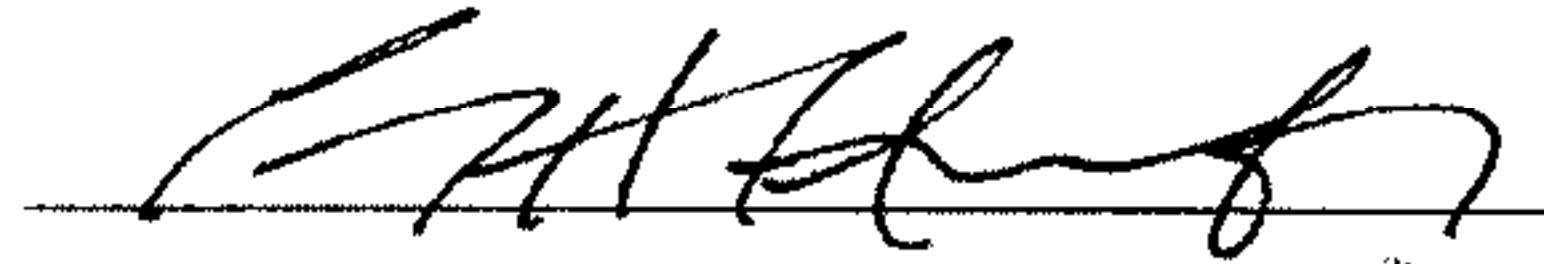
**IT IS, THEREFORE, ORDERED** that the Petitioner's motion to vacate, set aside, or correct judgment pursuant to 28 U.S.C. § 2255 is hereby **ALLOWED IN PART AND DENIED IN PART**. A Judgment is filed herewith.

**DOCUMENT  
SCANNED**

**IT IS FURTHER ORDERED** that the remaining motions are hereby **DENIED** as moot.



**Signed: May 9, 2005**

A handwritten signature in black ink, appearing to read 'LH Thornburg', written over a horizontal line.

Lacy H. Thornburg  
United States District Judge



**Orders on Motions****3:03-cv-00231 Salazar-Acuna v. United States CASE CLOSED on 07/30/2003****U.S. District Court****Western District of North Carolina****Notice of Electronic Filing**

The following transaction was received from Wallace, Betsy entered on 5/9/2005 at 4:27 PM EDT and filed on 5/9/2005

**Case Name:** Salazar-Acuna v. United States**Case Number:** 3:03-cv-231**Filer:****WARNING: CASE CLOSED on 07/30/2003****Document Number:** 19**Docket Text:**

ORDER granting in part/denying in part 2255 motion; denying as moot [17] Motion for Hearing, denying as moot[18] Motion . Signed by Judge Lacy Thornburg on 5/9/05. (Wallace, Betsy)

The following document(s) are associated with this transaction:

**Document description:**Main Document**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1095689202 [Date=5/9/2005] [FileNumber=335925-0]  
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612871f8881a48df83569c15a3aa7cc40fe3050008e56851abebff03ab2]]

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